

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAGGIE CAMPBELL, on behalf of herself and
all persons in California similarly situated,

Plaintiff,

v.

EBAY, INC., AND PAYPAL, INC.,

Defendants.

Case No.: 13-CV-2632 YGR


**ORDER TO FILE AMENDED COMPLAINT OR,
IN THE ALTERNATIVE, TO SHOW CAUSE RE:
DISMISSAL FOR FAILURE TO PROSECUTE**

On November 15, 2013, Defendant eBay, Inc. filed a Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (Dkt. No. 34.) Plaintiffs' response was due on December 6, 2013. Civ. L.R. 7-3(a). Defendant filed a Notice of Non-Opposition on December 16, 2013. (Dkt. No. 36.) On December 17, 2013, the Court issued an Order to Show Cause why the motion should not be granted as unopposed and this action dismissed for failure to prosecute. Plaintiff filed a written response, and a supplemental response, essentially indicating that it intended to file an amended complaint to address Defendants' concerns as argued in the motion, and that, while the parties had discussed such an amendment prior to the due date for the opposition, no formal stipulation or request for extension had been filed with the Court. (Dkt. No. 39 and 40.)

Based upon the representations in Plaintiffs' responses to the Order To Show Cause, Plaintiff is directed to file an amended complaint no later than **January 27, 2014**. Failure to file such amended complaint timely will result in the motion to dismiss being granted as unopposed and this action dismissed for failure to prosecute. Should Plaintiff file an amended complaint timely, the Court will deem the Motion to Dismiss denied as moot.

IT IS SO ORDERED.

Date: January 21, 2014


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE